
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO MIRAMONTES ROMAN,

Defendant.

ORDER DENYING REQUEST TO
INTRODUCE STATE COURT ACQUITTAL
AS EVIDENCE AT TRIAL

Case No. 2:13-CR-602-DN-DBP

District Judge David Nuffer

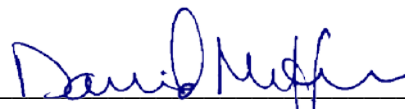
Defendant seeks leave to introduce his acquittal of state court charges regarding the death of Deputy Josie Greathouse Fox as evidence at trial. The stated purpose for this evidence is to establish motive for officers to fabricate evidence.

During argument, defense counsel made a record of abundant facts already in evidence to which he can point to in support of his argument that officers had motive to fabricate evidence that was not presented at the state trial that has been presented at this trial. Defendant's state court acquittal is unnecessary for the presentation of Defendant's defense of fabrication and creates a substantial risk of unfair prejudice to the government, confusing the issues, and misleading the jury. Therefore,

IT IS HEREBY ORDERED that Defendant's request for leave to introduce Defendant's state court acquittal as evidence at trial to show motive for fabrication of evidence is DENIED.

Signed February 3, 2017.

BY THE COURT



District Judge David Nuffer